THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.29284 of 1995

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Dated:04.04.2006

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Between:

P.Somi Reddy, S/o.P.Chenchal Reddy.

…Petitioner

And

The Joint Collector and Settlement Officer, Nellore, and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.29284 of 1995

ORDER:

It is the case of the petitioner that his grandmother was granted patta on 11.01.1983 in respect of the land in Survey No.54 of Kurrapalli Village, Udayagiri Mandal, Nellore District. When the Settlement Officer sought to conduct denovo enquiry, and issued a notice on 13.04.1985, the petitioner's grandmother filed a writ petition, being W.P.No.5755 of 1985. This Court allowed the said Writ Petition observing that the Settlement Officer has no jurisdiction to conduct denovo enquiry, but it shall be open to the Director of Settlement (DOS) to conduct the denovo enquiry. Later on the petitioner's grandmother executed a Will bequeathing her property including the land in Survey No.54 in favour of the petitioner. It is alleged by the petitioner that again the first respondent who is now designated as the Settlement Officer issued a notice in 1995 proposing to conduct denovo enquiry, aggrieved by which, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

In the order dated 30.08.1988 in W.P.No.5755 of 1985, this Court observed as under.

> The petitioner claims that she was granted ryotwari patta under Section 11(a) of the Estates Abolition Act by proceedings dated January 11, 1983. In the impugned notice dated April 13, 1985 the petitioner was asked to appear on May 4, 1985 for denovo enquiry. Assailing the jurisdiction of the Settlement Officer, the writ petition has been filed. Admittedly, now the power is conferred on the Director of Settlement to conduct an enquiry as regards the grant of irregular patta. Therefore, the Settlement Officer has no jurisdiction. The impugned order is set aside. This order does not preclude the Director of Settlement to conduct denovo enquiry as regard the patta granted to the petitioner and then pass appropriate order after giving reasonable opportunity to the petitioner. It is made clear that this Court has not expressed any opinion on merits. The writ petition is allowed.

In view of the above order it is not permissible for the first respondent to conduct the enquiry. Even if it is submitted by the learned Assistant Government Pleader that the petitioner was not granted any patta and only a docket order was passed, in view of the above order of this Court, no enquiry was conducted by the Settlement Officer. However, as observed by this Court it shall be open to the DOS to issue notice to the petitioner, conduct enquiry, and if no patta, in fact, is granted, DOS can pass appropriate orders.

The Writ Petition, subject to the above observation, is accordingly allowed. No costs.

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(V.V.S.RAO, J)

04.04.2006

vs